

STAFF REPORT

Item

CASE NUMBER: S.U.P 15-221 L.U.C.B MEETING: November 12, 2015

LOCATION: 2119 Chelsea Avenue (Parcel ID 041043 00001)

COUNCIL DISTRICT: District 7; Super District 8-Positions 1, 2 & 3

OWNER/APPLICANT: Marvin Coleman

REPRESENTATIVE: McCaskill & Associates, Inc.- Tim McCaskill

REQUEST: A Special Use Permit to allow the sale of fuel efficient late model vehicles in the Commercial Mixed Use-3 (CMU-3) zoning district.

AREA: 0.15 Acres

EXISTING LAND USE & ZONING: Commercial Mixed Use-3 (CMU-3) District

CONCLUSIONS:

1. This application is a request for a Special Use Permit to allow the sale of fuel efficient late model vehicles in the Commercial Mixed Use-3 (CMU-3) zoning district.
2. Sufficient information such as building elevations, adequate site plan and adequate landscape plan has not been provided to staff which would properly illustrate the proposed development.
3. Memphis currently has a proliferation of used automobile sale establishments. A used automobile sale establishment currently serves the subject area and is located on the same physical block as the proposed development.
4. Staff recommends rejection.

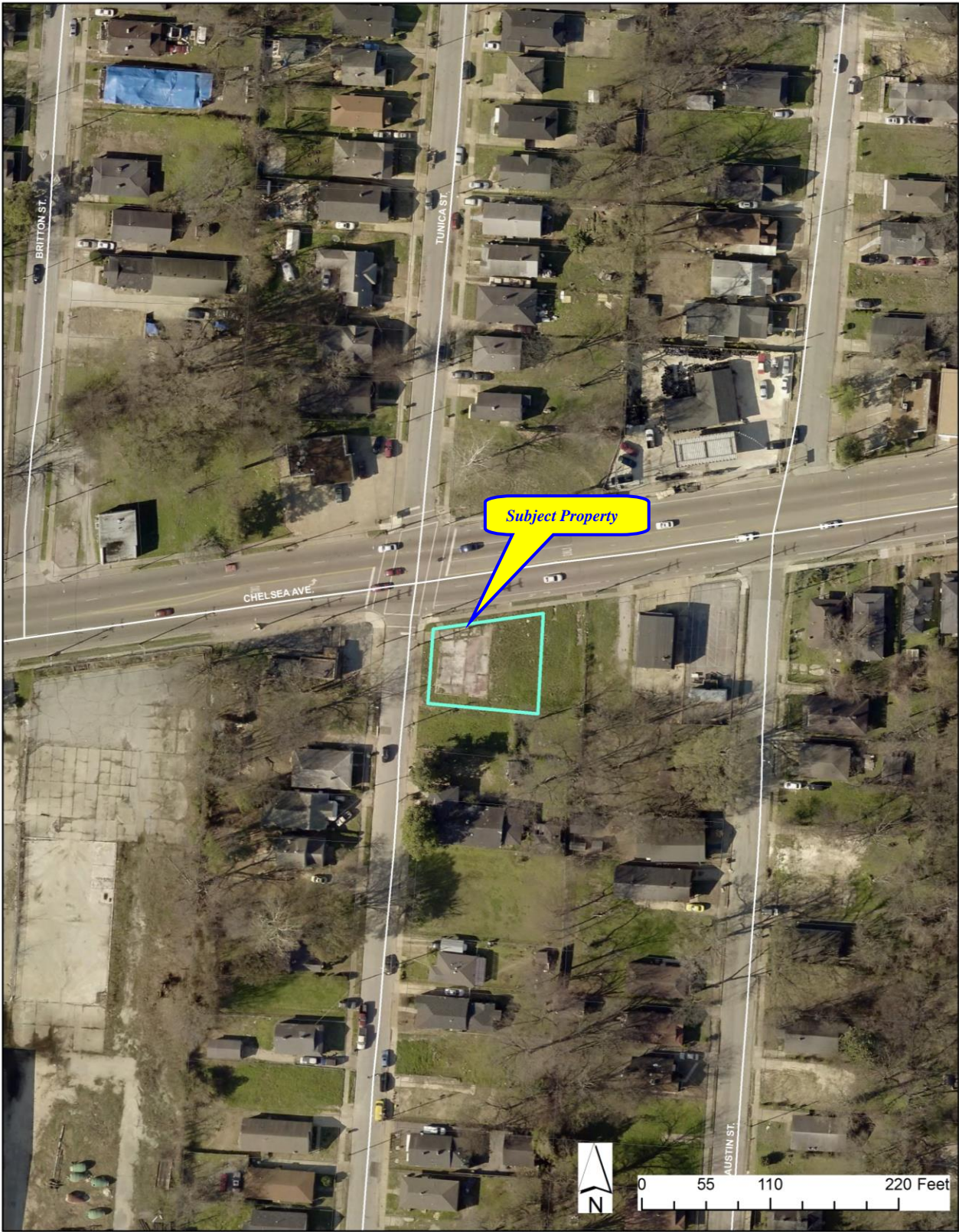
OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION:

Rejection

Staff: *Gene Burse*

E-mail: gene.burse@memphistn.gov

‘Planning Area’



‘Zoning Map’



'Land Use Map'



‘Aerial View’



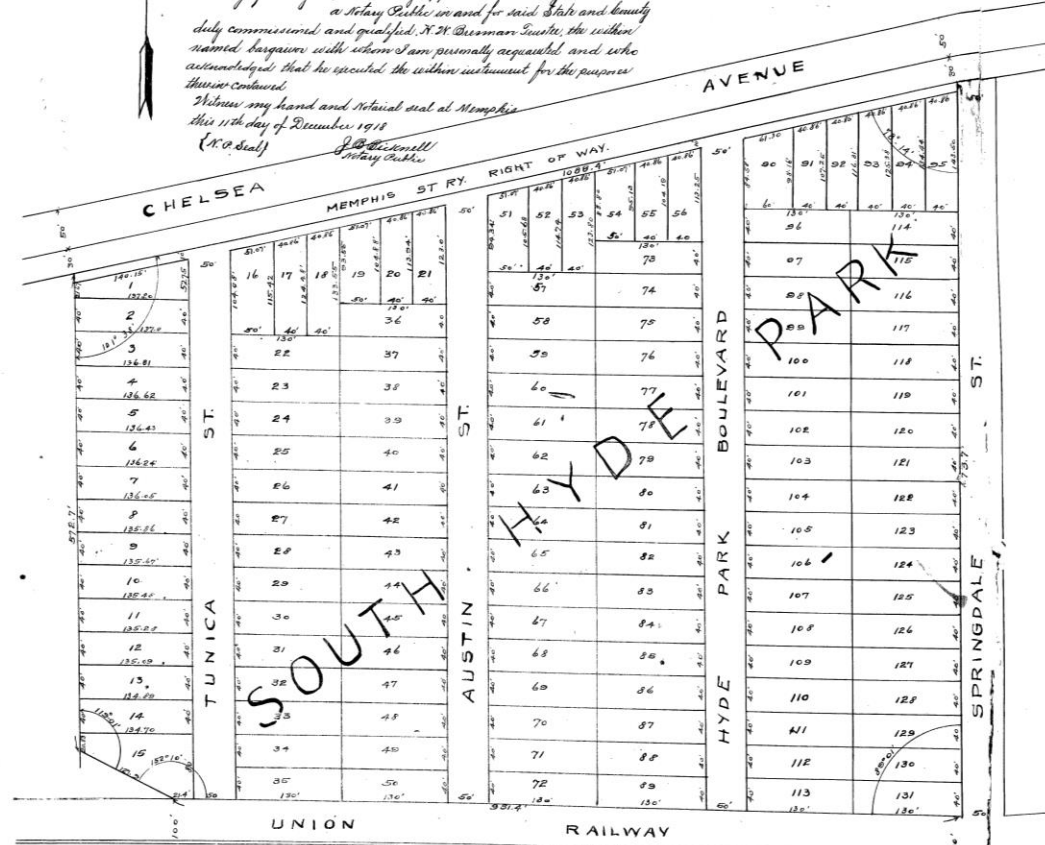
'Original Subdivision Plat'

95

State of Tennessee }
County of Shelby } Before me J. D. Dickrell a Notary Public in and for the
State and County aforesaid duly commissioned and qualified personally
appeared Fred Jones with whom I am personally acquainted, and
who upon oath acknowledged himself to be the President of the
Union Land & Improvement Company the within named, having
a corporation, and that he as such President, being authorized so to
do, executed the within instrument for the purpose therein contained
by signing the same of the Corporation by himself as President.
Witness my hand and seal at Memphis Tennessee this 11th
day of December 1918
(N.O. Seal) J. D. Dickrell
Notary Public

Memphis Tenn Dec 11 1918
We hereby accept and acknowledge this
plan of South Hyde Park, being a Subdivision
of this 15.31 acre tract sold this day to H. W. Brennan
Trustee, by the Union Land Company and
dedicate to the public the areas shown herein
for streets
Union Land & Improvement Company
By Fred Jones, President
H. W. Brennan Trustee
Attest J. H. Richards
Secretary (Corp Seal)

State of Tennessee }
County of Shelby } Primarily appeared before me J. D. Dickrell
a Notary Public in and for said State and County
duly commissioned and qualified, H. W. Brennan Trustee, the within
named, having with whom I am personally acquainted, and who
acknowledged that he executed the within instrument for the purpose
therein contained.
Witness my hand and Notarial seal at Memphis
this 11th day of December 1918
(N.O. Seal) J. D. Dickrell
Notary Public

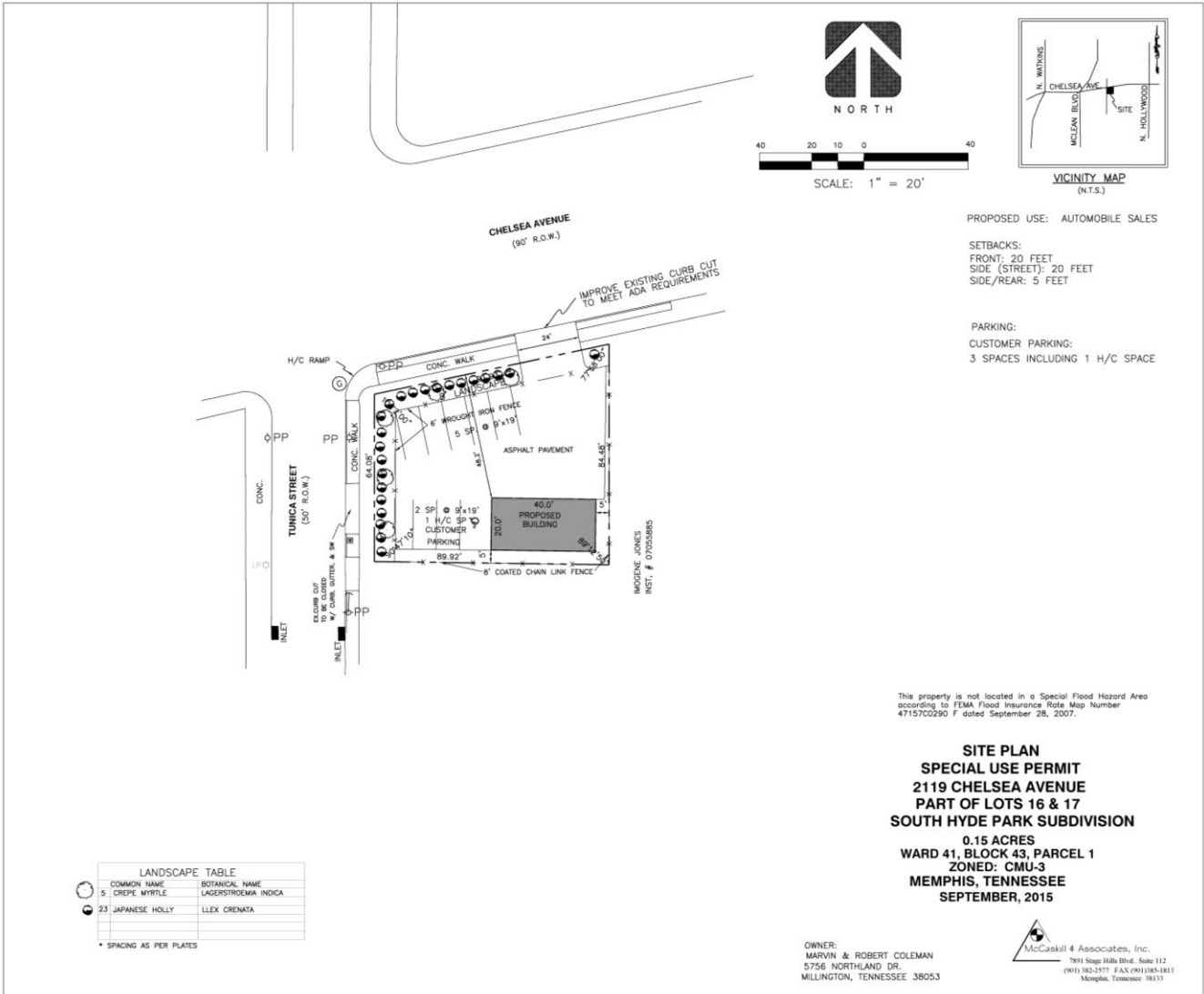


SOUTH HYDE PARK
SUBDIVISION

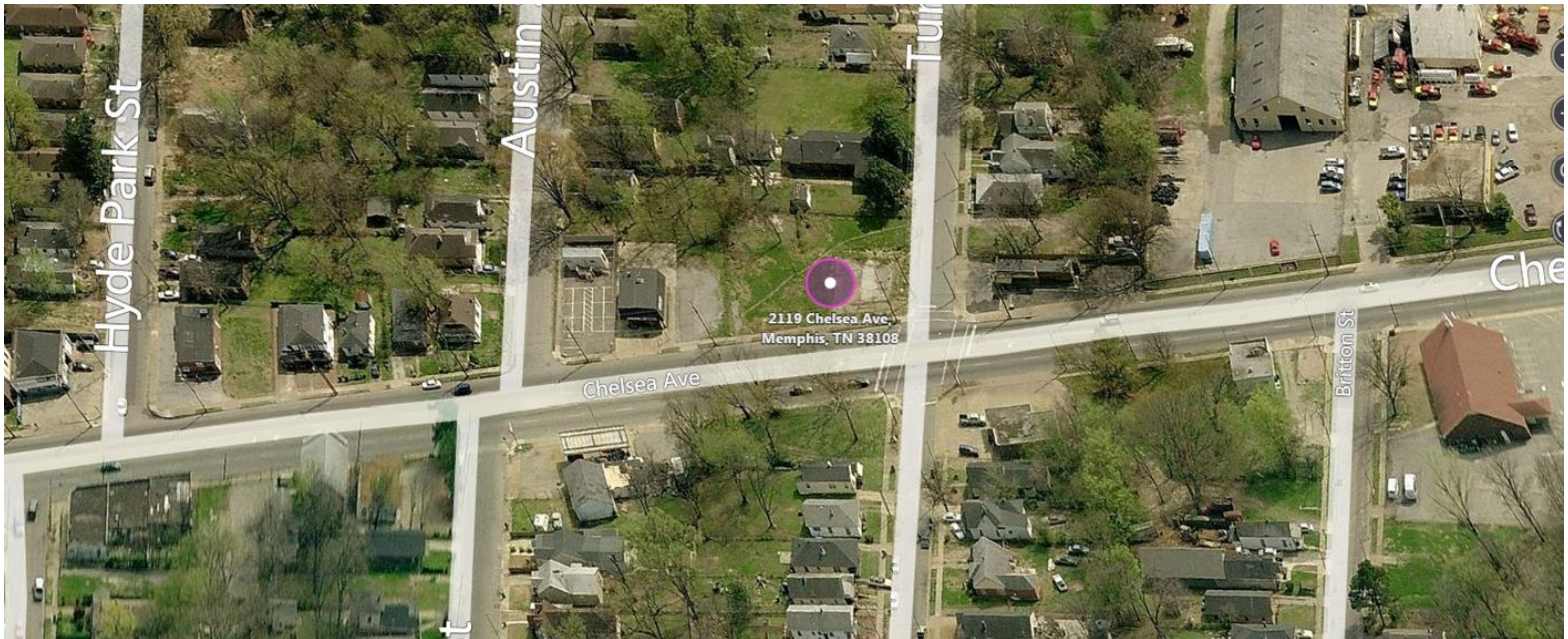
State of Tennessee }
Shelby County } Filed for registration Jan'y 9th 1919
at 3:00 clock P.M. and noted in Not. Book
No 38 Page 262 and was recorded January 28th
1919
Postmaster
Register

H. W. BRENNAN - TRUSTEE
46 BYRD BLDG
MEMPHIS, TENN.

‘Site Plan’

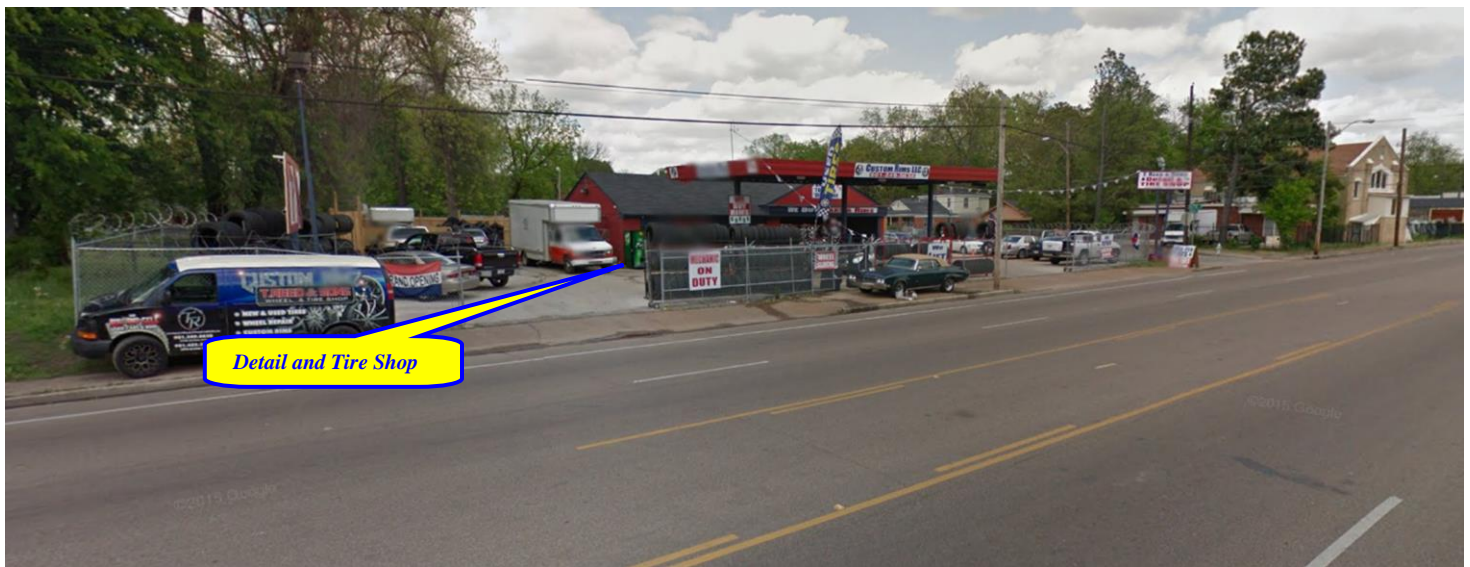


'Bird's Eye View of Subject Section of Chelsea Avenue'



'Photos of Site'





STAFF ANALYSIS:

Site Description

The subject property is a vacant lot consisting of lot 16 and some of lot 17 totaling 0.15 acres of land in the South Hyde Park subdivision in North Memphis. The property is located at the southeast corner side of Chelsea Avenue and Tunica Street. An existing concrete slab is located on the site probably from the house that was once located there.

Area Overview

Adjacent zoning districts include Employment (EMP) and Heavy Industrial (IH) to the west; Residential Urban-1 (RU-1) to the south and east and Residential Urban-1 (RU-1) to the north. The subject site is located within the Commercial Mixed Use-3 (CMU-3) district which runs east and west along Chelsea Avenue.

There is an existing used auto sales business located at the southwest corner of Chelsea and Austin which is on the same physical block as the subject development. A mix of uses exist along Chelsea Avenue in the subject area including an existing used automobile sale establishment. The subject area of Chelsea includes uses such as commercial, residential, institutional and industrial.

Memphis currently has a proliferation of used automobile sale establishments. A used automobile sale establishment currently serves the subject area and is located on the same physical block as the proposed development. The subject development will further the proliferation of used automobile sales in the area and in Memphis.

Sufficient information such as building elevations, adequate site plan (with dimensions) and adequate landscape plan has not been provided to staff which would properly illustrate the proposed development as well as improvements to the property and public infrastructure.

Staff finds the project will have an undue adverse effect upon adjacent property and the character of the neighborhood according to the approval criteria for a special use permit specifically UDC section 9.6.9A. which states the following:

UDC Section 9.6.9A- The project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare.

RECOMMENDATION: ***Rejection***

If the Land Use Control Board chooses to recommend approval of the applicant's request, staff proposes the following conditions:

Conditions for S.U.P. 15-221

1. The subject site shall comply with the site plan as approved by the Memphis City Council.
2. The applicant shall comply with the landscape plan as approved by OPD.
3. The applicant shall provide landscaping to the site, in addition to what is identified by the UDC, and all landscaping shall be in compliance with UDC Section 4.6.9 and landscape plan submitted.
4. The site shall have an electronic underground irrigation system.
5. The applicant shall identify the dimension of all signage to the site and signage shall be in compliance with the CMU-3 zoning district; however, detached signs shall be designed as monuments only. The applicant shall erect a six (6) foot-height black wrought iron fence at the south and east perimeter of the site, to include a ten (10) foot-wide class III buffer.
6. Barbed wire fencing is prohibited.
7. The applicant shall provide a minimum of four (4) parking spaces to the site, to include at least one (1) ADA parking space. These spaces shall not be used to store vehicles, employee parking or storage. These spaces shall be the closest spaces to the building.
8. Vehicles shall not be parked or stored in planting areas and storage of any material or item shall be prohibited in any outdoor parking stall.
9. Megaphones are a prohibited use for this property.
10. The test driving of vehicles shall not be permitted on residential streets.
11. The repair and/or servicing of vehicles are prohibited on site.
12. The parking area for the site must be improved to meet all standards of the UDC Sub-Section 4.5.5D (Parking and Loading; Landscaping). A final landscape plan prepared by a registered Landscape Architect must be approved by the OPD.
13. Exterior lighting shall be designed to minimize adverse offsite impacts such as light trespass and obtrusive light.
14. Business hours shall not be before 9 a.m. and shall not be after 7 p.m.
15. All exterior walls shall be a minimum of eighty (80%) percent brick. Building elevations reflecting this shall be submitted and approved by OPD prior to forwarding to Memphis City Council.
16. The City Engineer shall approve the design, number and location of curb cuts. The required note regarding Clear Sight Areas shall be placed on the final site plan.
17. A detailed Landscape Plan, site plan and updated building elevations shall be submitted prior to forwarding to Memphis City Council. The Landscape Plan shall be included in the site plan approval subject to review and approval by the Office of Planning & Development.
18. All attached and detached signs shall comply with Commercial Mixed Use-3 (CMU-3) District zoning in accordance with the Sign Ordinance-Regulations.
19. Drainage improvements, including possible on-site detention, shall be provided under a Standard Subdivision contract in accordance with Unified Development Code and the City of Memphis Drainage Design Manual.
20. The existing nonconforming curb cuts on Tunica Street shall be closed with curb, gutter and sidewalk.
21. The existing nonconforming curb cut on Chelsea Street shall be modified to meet current City Of Memphis standards.
22. The Developer shall be responsible for the repair and/or replacement of all existing curb and gutter along the frontage of this site as necessary.
23. The width of all existing off-street sewer easements shall be widened to meet current city standards.

24. Required landscaping shall not be placed on sewer or drainage easements.
25. All existing sidewalks and curb openings along the frontage of this site shall be inspected for ADA compliance. The developer shall be responsible for any reconstruction or repair necessary to meet City standards.

GENERAL INFORMATION:

Street Frontage: Chelsea Avenue -----+/- 90 linear feet.

Planning District: North Memphis

Parcel ID: 041043 00001

Zoning Atlas Page: 1935

Zoning History: Site is located in the Commercial Mixed Use- 3 (CMU-3) District.

DEPARTMENTAL COMMENTS:

The following comments were provided by inter-governmental agencies/organizations to which this application was referred:

City Engineer:

1. Standard Subdivision Contract as required in Section 5.5.5 of the Unified Development Code.

Sewers:

2. City sanitary sewers are available at developer's expense.

Curb Cuts/Access:

3. The City Engineer shall approve the design, number and location of curb cuts.
4. The Developer shall be responsible for the repair and/or replacement of all existing curb and gutter along the frontage of this site as necessary.
5. All existing sidewalks and curb openings along the frontage of this site shall be inspected for ADA compliance. The developer shall be responsible for any reconstruction or repair necessary to meet City standards,
6. The existing nonconforming curb cuts on Tunica Street shall be closed with curb, gutter and sidewalk.
7. The existing nonconforming curb cut on Chelsea Street shall be modified to meet current City Of Memphis standards.

Drainage:

8. An overall drainage plan for the entire site shall be submitted to the City Engineers prior to approval of the first final plan.
9. Drainage improvements, including possible on-site detention, shall be provided under a Standard Subdivision contract in accordance with Unified Development Code and the City of Memphis Drainage Design Manual.
10. Drainage data for assessment of on-site detention requirements shall be submitted to the City Engineer.

Site Plan Notes:

11. Provide internal circulation between adjacent phases, lots, and sections. Common ingress/egress easements shall be shown on the final plats.

General Notes:

12. The width of all existing off-street sewer easements shall be widened to meet current city standards.
13. Required landscaping shall not be placed on sewer or drainage easements.

City Fire Services:

No comment.

Memphis & Shelby County Health Department:

Water Quality Branch:

No comments.

Septic Tank Program:

No comments.

Shelby County Schools (SCS):

No comments

Construction Code Enforcement:

No comments received.

Memphis Light, Gas and Water:

MLGW has reviewed the referenced application, and has no objection, subject to the following comments:

It is the responsibility of the owner/applicant to pay the cost of any work performed by MLGW to install, remove or relocate any facilities to accommodate the proposed development.

- **It is the responsibility of the owner/applicant** to identify any utility easements, whether dedicated or prescriptive (electric, gas, water, CATV, telephone, sewer, drainage, etc.), which may encumber the subject property, including underground and overhead facilities. No permanent structures will be allowed within any utility easements.
- Any proposed structures must comply with the **National Electric Safety Code (NESC)** and maintain minimum horizontal/vertical clearances from existing overhead electric facilities.

- **Landscaping is prohibited** within any MLGW utility easement. No trees, shrubs or permanent structures will be allowed within any MLGW utility easements.
- **It is the responsibility of the owner/applicant** to contact **TN-1-CALL @ 1.800.351.1111**, before digging, and to determine the location of any underground utilities including electric, gas, water, CATV, telephone, etc.
- **It is the responsibility of the owner/applicant** to submit a detailed plan to MLGW Engineering for the purposes of determining the availability and capacity of existing utility services to serve any proposed or future development(s).
- **It is the responsibility of the owner/applicant** to contact the appropriate MLGW engineering area to determine if system improvements may be required and any related cost:
 - MLGW Engineering - **Residential Development:** 528-4858.
 - MLGW Engineering - **Commercial Development:** 367-3343.
- **It is the responsibility of the owner/applicant** to pay the cost of any utility system improvements necessary to serve the proposed development with electric, gas or water utilities.

MLG & W Address Assignment:

AT&T-TN:

No comment.

Shelby County Conservation Board:

No comments received.

Neighborhood Associations/Organizations:

No comments as of date.

Staff: gb

'Appendix A'

LETTER OF INTENT

Marvin J. Coleman
Robert Coleman
5776 Northland Drive
Millington, TN 38053

September 30, 2015

To Whom It May Concern:

This letter is in reference to property located at 2119 Chelsea Avenue, Memphis, TN 38108. It is my intent to sell fuel efficient late model vehicles at this location. The building on the property will be used as an office to support the operation of the business and selling of the vehicles. Paving will also be added along with landscaping and any other improvements, as needed.

As an original native of the North Memphis Hyde Park Community, it is also my intention to give back to the community. I would like to provide jobs and quality service to the community and surrounding areas. Additionally, it has always been my dream to own and operate a business in the neighborhood in which I grew up. I feel confident that my business will be profitable and bring great attraction to the Hyde Park Community.

Sincerely,

Marvin J. Coleman
Robert Coleman

'Appendix B'



**Memphis and Shelby County
Office of Planning and Development**
CITY HALL 125 NORTH MAIN STREET-SUITE 468 MEMPHIS, TENNESSEE 38103-2084 (901) 576-6619

**APPLICATION FOR SPECIAL USE PERMIT
APPROVAL/AMENDMENT**

Date: 9/16/15

Case #: _____

PLEASE TYPE OR PRINT

Property Owner of Record: Marrin Coleman & Robert Coleman Phone #: (901) 574-8771
Mailing Address: 5756 Northland Dr. City/State: Millington, TN Zip 38053
Property Owner E-Mail Address: sholloway@live.com
Applicant: Marrin Coleman Phone #: (901) 574-8771
Mailing Address: 5756 Northland Dr. City/State: Millington, TN Zip 38053
Applicant E-Mail Address: SHOLLOWAY@LIVE.COM
Representative: Tim McCaskill Phone #: 382-2577
Mailing Address: 7891 STAGE HILLS BLVD #112 City/State: MEMPHIS Zip 38133
Representative E-Mail Address: TIM@MCCASKILLINC.COM
Engineer/Surveyor: Tim McCaskill Phone #: 382-2577
Mailing Address: 7891 STAGE HILLS BLVD City/State: MEMPHIS Zip 38133
Engineer/Surveyor E-Mail Address: _____
Street Address Location: 2119 CHELSEA
Distance to nearest intersecting street: SE CORNER CHELSEA & TUNICA

	Parcel 1	Parcel 2	Parcel 3
Area in Acres:	<u>0.15</u>		
Existing Zoning:	<u>CMU-3</u>		
Existing Use of Property	<u>VACANT</u>		
Requested Use of Property	<u>AUTO SALES</u>		

Amendment(s): Any revision to an approved Special Use Permit that does not meet the provisions for Major or Minor Modifications shall be proposed as an amendment. Time extensions (see Subsection 9.6.14B of the UDC) to and requests to exceed 24-month limitation on discontinuance (see Subsection 9.6.14C) of approved special use permits shall be processed as major modifications, subject to the provisions of Chapter 9.16.

Yes _____ No X

Unincorporated Areas: For residential projects in unincorporated Shelby County, please provide the following information:

Number of Residential Units: _____ Bedrooms: _____

Expected Appraised Value per Unit: _____ or Total Project: _____